

year of which experience must have been acquired within the United States, in the business of retailing, compounding, or dispensing of drugs, chemicals, and poisons, and of compounding of physicians' prescriptions; or, in the case of an applicant having acquired experience in the drug dispensary of a regular public hospital, which dispensary was conducted under the constant supervision of a registered pharmacist, two years of such experience shall be allowed in lieu of two years required in a pharmacy; and of being a graduate of some reputable and properly chartered college of pharmacy, so recognized by the Pennsylvania Board of Pharmacy. And every person applying for registration as assistant pharmacist shall be not less than eighteen years of age, and of good moral character, and must produce satisfactory evidence of having had, subsequent to his or her sixteenth birthday, not less than two years' practical experience in a pharmacy *under the personal supervision of a pharmacist, and have satisfactorily completed a course of two years in a college of pharmacy recognized by the State Board of Pharmacy:* [except] *Provided,* That in the case of an applicant having acquired experience in the drug dispensary of a regular public hospital, which dispensary was conducted under the constant supervision of a registered pharmacist, one year of such experience shall be allowed in lieu of one [year] *of the two years hereinbefore required in practical experience* in a pharmacy.

Qualifications of applicant for registration as assistant pharmacist.

Two years college course required.

Allowance for hospital experience.

Section 2. This act shall take effect on the first day of July, one thousand nine hundred and thirty-four.

Effective date.

APPROVED—The 10th day of June, A. D. 1931.

GIFFORD PINCHOT

No. 153

AN ACT

To provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination, licensure, and registration of persons, and registration of corporations, engaging in the care, preparation, and disposition of the bodies of deceased persons; and providing penalties.

Section 1. Be it enacted, &c., That the following terms, as used in this act, shall, unless the context indicates otherwise, have the following meanings:

(a) The word "undertaker" shall include any person engaged in the business or profession of undertaking, or the care, embalming, disposition or burial of the bodies of deceased persons, in his or her own name and

Undertakers.
Terms defined.

"Undertaker."

on his or her own account, whether such person shall use the title of "undertaker," "undertaker and embalmer," "embalmer," "funeral director," "mortician," or other term.

"Board."

(b) The word "board" shall mean the State Board of Undertakers of this Commonwealth.

"Department."

(c) The word "department" shall mean the Department of Public Instruction of this Commonwealth.

"Student apprentice."

(d) The term "student apprentice" shall mean any person operating under or with an undertaker for the purpose of learning such business or profession to the end that he may become a licensed undertaker.

Application for license.

Section 2. Any person, not holding a license so to do on the date this act becomes effective, desiring to operate as an undertaker in this Commonwealth shall make application for examination and licensure to the board, upon a form furnished by it, and shall accompany the application by such fee as may be fixed by the department; whereupon the board shall fix a time and place for the examination of the applicant, and shall notify the applicant thereof.

Fee.

Time of examination.

Renewal of old licenses.

Persons or corporations holding licenses under the existing laws shall be entitled to the renewal of such licenses, as herein provided, without examination.

Qualifications of applicants.

Section 3. An applicant shall not be entitled to an examination if—

(a) The applicant is not a citizen of the United States.

(b) The applicant is not at least twenty-one years of age.

(c) The applicant is not a graduate of an approved high school of this Commonwealth, or has an education equivalent thereto under the rules and regulations of the department.

(d) The applicant has not had practical experience in the business or profession of undertaking for two years continuously as a student apprentice, and shall have completely embalmed at least twenty-five bodies.

Board to license and register.

Section 4. If the board shall find, upon due examination, that the applicant is of good moral character, and is possessed of skill and knowledge of sanitation, preservation of the dead, disinfecting the bodies of deceased persons, the apartment, clothing and bedding in case of death from infectious or contagious diseases, and has sufficient knowledge, experience and training to properly conduct such business or profession in all its phases, the board shall issue to said applicant, upon payment of such fee as may be fixed by the department, a license to operate as an undertaker, and shall register such applicant as a duly licensed undertaker.

Issuance and registration of license.

Section 5. Such license shall be issued by, bear the seal of the Department of Public Instruction, and be signed by the president and secretary of the board.

Every licensee shall register the fact of the issuance of the license with the board of health, department of health, or health officer of the municipality in which such licensee desires to operate; and shall display such license conspicuously in the place of business of such licensee.

Display of
license.

Section 6. Original licenses, under this act, shall be granted only to individuals, upon the qualification and examination of the individual applicant, and shall specify by name the person to whom it is issued, and shall designate the particular place at which the business or profession of undertaking shall be carried on. A license so issued shall authorize the conduct of such business or profession at the particular place of business so designated and no other, and by the particular person designated, and only one license shall be granted to or held by any individual. An undertaker so licensed may change his or her place of business upon registration of that fact with the board. This act shall not be construed as prohibiting two or more registered undertakers from operating a joint or partnership business if the business be conducted under the names of all such licensed undertakers; but no undertaker granted an original license under this act shall conduct business under any other name than the name appearing on his or her license. This section shall not apply to persons heretofore conducting business under a fictitious name.

Original licenses.

Change of
location.

Joint or partner-
ship business.

Fictitious name.

Section 7. All undertakers' licenses granted under this act or existing laws shall expire on the first day of February following their issuance or renewal, and shall become invalid unless renewed as hereafter provided. It shall be the duty of the board, on or before the first day of November of each year, to mail to every licensed undertaker a blank application for renewal of license. Renewal may be effected at any time during the month of January following by the filing of such application with the board, together with such renewal fee as may be fixed by the department and the approval of the board: Provided, That the board may, at its discretion, renew the license of any undertaker who has failed to make application for renewal before February first.

Annual renewal
of license.

Blanks.

Renewal fee.

Proviso.

Section 8. The board, by a majority vote thereof, may refuse to grant, refuse to renew, suspend or revoke a license of any applicant or licensee for the following reasons:

Power to refuse
or revoke.

(a) The practice of any fraud or deceit in obtaining or attempting to obtain a license.

Reasons.

(b) Violation of the health laws of this Commonwealth.

(c) The conviction of a crime involving moral turpitude.

(d) The use of misleading advertising.

(e) Gross incompetency, negligence or misconduct in the carrying on of such business or profession.

(f) Violation of or non-compliance with the provisions of this act or the rules and regulations of the board.

(g) Loaning, borrowing or using a license of another, or of knowingly, aiding or abetting in any way the granting of improper licenses.

(h) Soliciting patronage, other than by legitimate advertisement, or paying a commission or agreeing to pay a commission to any person or persons for soliciting or for business secured, or like unprofessional conduct.

Hearing.

Section 9. No license shall be refused, suspended or revoked until after a hearing by the board, with not less than ten days' notice thereof to the applicant or licensee; at which hearing, the applicant or licensee shall have the right to appear personally and by counsel, with the right of cross examination and of producing evidence and witnesses.

Notice.

Procedure.

Revoked certificate of licensure.

A suspended or revoked certificate of licensure shall be immediately returned to the board, and the board or its representatives are hereby empowered to seize and retain suspended or revoked certificates of licensure.

Appeal.

Section 10. Any applicant or licensee whose license has been refused, suspended or revoked by the board shall, within thirty days, have the right of appeal to the court of common pleas of Dauphin County, where the matter shall be heard by the court without a jury. The action of said court shall be final.

Annual registration by apprentices.

Section 11. Every student apprentice shall register with the board annually, in such manner as may be provided by the board, and shall pay such registration fee as shall be fixed by the department. The secretary of the board shall keep a separate register for student apprentices, containing their names, ages, residence, where they attended school, the licensed undertakers with whom they are associated, and such other information as the board may desire.

Record.

Change of preceptor.

Should any student apprentice, so registered as a student of any licensed undertaker, change his or her preceptor, such student apprentice shall immediately re-register, and pay such additional fee as may be fixed by the department. Every undertaker with whom a student apprentice is registered shall immediately notify the board of any termination of such relation.

Re-registration.

Section 12. No person shall operate as an undertaker in this Commonwealth unless he or she shall hold a license so to do as provided in this act.

Act not to apply to certain persons.

The provisions of this section shall not apply to:

(a) Bona fide employes of a licensed undertaker.

(b) Employes of any cemetery or crematory, whose duties or business extend no further.

(c) Persons acting under the orders of commissioned medical officers of the Army or Navy or Marine force of the United States.

(d) Persons disposing of the bodies of deceased persons lawfully placed at the disposition of legally organized medical, surgical or other institutions for the benefit of science.

(e) Persons disposing of the bodies of deceased persons under the authority and direction of the Department of Health of this Commonwealth in times of actual epidemic or public calamity.

(f) Estates of deceased licensees, when the business is carried on under the supervision of a licensed undertaker, for such period and under such rules and regulations as may be prescribed by the board.

Section 13. The provisions of this act shall not be construed as preventing the conducting of the business or profession of undertaking by a corporation heretofore licensed; or by a corporation, all the officers of which are duly licensed undertakers actively engaged in the conduct of the business of said corporation if such corporation is registered by and conforms with such rules and regulations as the board may prescribe with relation thereto; and no branch licenses shall hereafter be granted any corporation.

Section 14. The board shall be charged with the enforcement of this act. It shall be empowered to formulate necessary rules and regulations, not inconsistent with this act, for the proper conduct of the business or profession of undertaking.

It may, if the department approves, appoint an inspector, whose title shall be "Inspector State Board of Undertakers Commonwealth of Pennsylvania." Such inspector shall hold office at the pleasure of the board, and shall receive such compensation as shall be fixed by the board, with the approval of the Superintendent of Public Instruction. Such inspector shall be empowered to serve all processes and papers of the board, and shall have the right of entry into any place where the business or profession of undertaking is carried on, or advertised as being carried on, for the purpose of inspection.

Section 15. Any person, persons, copartnership, or corporation, heretofore licensed to practice undertaking, may have his, her, their or its license suspended or revoked for any cause for which a license granted under this act may be suspended or revoked.

Section 16. All fees, fines and penalties specified and imposed by this act shall be paid into the State Treasury through the Department of Revenue.

Corporations.

Enforcement of act.

Inspector.

Compensation.

Powers and duties.

Revocation of old license.

Disposition of fees, etc.

Violation of act. Misdemeanor.	Section 17. Any person violating the provisions of section twelve of this act shall be guilty of a misdemeanor, and, upon conviction thereof before any court of competent jurisdiction, shall be sentenced to pay a fine of not less than fifty or more than five hundred dollars, or undergo imprisonment not exceeding one year, or both, at the discretion of the court, for each such offense.
Penalty.	
Provisions severable.	Section 18. The provisions of this act are severable, and if any section, sub-section, sentence, clause, phrase or requirement of this act shall be held to be unconstitutional, such decision of the court shall not affect or impair the validity of the remaining portions thereof.
Legislative intent.	The Legislature hereby declares that it would have passed this act, each section, sub-section, sentence, clause, phrase and requirement thereof, irrespective of the fact that any one or more sections, sub-sections, sentences, clauses, phrases or requirements be declared unconstitutional.
Repeal.	Section 19. All acts and parts of acts inconsistent herewith are hereby repealed.

APPROVED—The 10th day of June, A. D. 1931.

GIFFORD PINCHOT

No. 154

AN ACT

Amending the act of June nine, one thousand eight hundred and eighty-one (Pamphlet Laws, eighty-nine), entitled "An act to authorize foreign corporations to become corporations of Pennsylvania and to prescribe the mode for their so doing," by adding thereto section four, providing a method to ascertain the amount of bonus due in such cases.

Foreign corporations.

Act of June 9, 1881 (P. L. 89), amended.

Section 1. Be it enacted, &c., That the act of June nine, one thousand eight hundred and eighty-one (Pamphlet Laws, eighty-nine), entitled "An act to authorize foreign corporations to become corporations of Pennsylvania and to prescribe the mode for their so doing," be and the same is hereby amended, by adding thereto section four, as follows:

Bonus on capital stock or stated capital.

Proviso.

Capital not subject to imposition of bonus.

Section 4. Said corporations, so becoming corporations of this State, shall be liable for bonus on its capital stock and/or stated capital to the same extent, at the same rate, and in the same manner as corporations created under the laws of the State of Pennsylvania are liable: Provided, however, That said corporations shall be entitled to have a capital stock and/or stated capital, without the imposition of any bonus, equal to the amount of the capital actually employed or to be employed wholly within the State of Pennsylvania upon